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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,749	11/03/2003	Loren D. Mock	A10019 1010.1	4254
26158 7590 10/09/2007 WOMBLE CARLYLE SANDRIDGE & RICE, PLLC ATTN: PATENT DOCKETING 32ND FLOOR P.O. BOX 7037 ATLANTA, GA 30357-0037			EXAMINER JOHNSON, BLAIR M	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/699,749

**Applicant(s)**

MOCK, LOREN D.

**Examiner**

Blair M. Johnson

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 37-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

Claims 37-42,45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leist et al '255 in view of Forsland 6,446,695.

Forsland discloses a multipaneled garage door which simulates double doors. While Leist et al does not simulate typical doors as presently disclosed, i.e. with diagonal portions, tongue and groove, etc., he is clearly concerned with decorative appearances. Consequently, it would have been obvious to modify Leist et al whereby he provides his door with the appearance of the Forsland doors. Modifications of the appearances taught by Forsland would also have been obvious since such is the subject of design choice based purely on aesthetics. Also note the presence of grooves 47A (disclosed but not shown in the drawings of Forsland, see element 47) to distinguish one door from the other, which also may be applied to Leist et al for aesthetic reasons. Claim 45 further recites obvious aesthetic feature. Claim 46 attempts to further limit the simulated appearance by adding the limitation that are not more than two intersecting "portions". However, the term "portions" is extremely broad. It is not well defined where one "portion" begins and another "portion" ends. Consequently, the presence of grooves or raised portions along the edges does not obviate there being only two intersecting "portions".

Claim 37-46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leist et al '255 in view of Jella '085.

Jella is applied to Leist et al as Forsland has been applied to Leist et al, above. Additionally, Jella teaches three panels and it would have been obvious to modify Leist

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et al to have three panels so as to eliminate an additional seam between panels and to reduce costs.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jella '085 in view of Forsland '695.

Jella, in Fig. 1, shows a simulated double door showing symmetry on opposite sides of a central vertical line, which appears to be a groove. Forsland further discloses that a groove, 47 or 47A, is used in such a location to suggest the appearance of the double doors. In view of this teaching, it would have been obvious to modify Jella, if necessary, whereby his unnumbered line is actually a groove to further enforce the double door appearance.

### ***Response to Arguments***

Applicant's arguments have been fully considered but they are not persuasive. Regarding claims 37-39, as well as claims 40-42, applicant states " Neither Leist nor Forsland describes an overhead door that includes door sections formed of continuous sheet metal face panels having narrow vertical grooves integrally formed in the sheet metal face panels that align with each other to form a narrow vertical recess that substantially continuously extends between a top edge and a bottom edge of the door when the door is in a closed position." , (remarks, page 7, concerning claims 37-39). While this is true, each reference has not been applied individually but rather one reference modifies the other reference.

The rejection under section 112(2) has been withdrawn in response to the amendment to claim 37.

Claim 43 has been addressed above regarding the three panels and the aesthetic grooves and panels. The same is true regarding the aesthetics of claims 44 and 45.

Claim 46 includes the added limitation regarding the corners and the “ no more than two intersecting surface portions” . However, this has been addressed above.

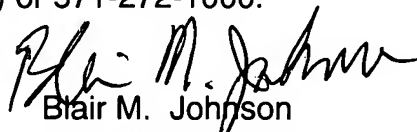
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Blair M. Johnson  
Primary Examiner  
Art Unit 3634

BMJ  
9/30/07